

**ATTORNEY DOCKET NO. 14028.0290US**  
**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

|   |   |                            |
|---|---|----------------------------|
| In re Application of                    | ) |                            |
|   | ) |                            |
| Neville <i>et al.</i>                   | ) | Art Unit: 1644             |
|   | ) |                            |
| Application No. 09/389,565              | ) | Examiner: Gerald R. Ewoldt |
|   | ) |                            |
| Filing Date: September 3, 1999          | ) | Confirmation No. 5574      |
|   | ) |                            |
| For: AN IMMUNOTOXIN WITH <i>IN VIVO</i> | ) |                            |
| T CELL SUPPRESSANT ACTIVITY             | ) |                            |
| AND METHODS OF USE                      | ) |                            |

**TERMINAL DISCLAIMER PURSUANT TO 37 C.F.R. § 1.321(b) and (c)**

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

NEEDLE & ROSENBERG, P.C.  
Customer Number 30339

Dear Sir:

The United States Government as represented by the Secretary, Department of Health and Human Services (hereinafter "the Government"), having an office at 6011 Executive Boulevard, Suite 325, Rockville, Maryland, 20852-3804, is assignee of the entire right, title and interest in and to the above-identified application as shown by the Assignment recorded in the patent assignment records of the U.S. Patent and Trademark Office on August 8, 1997 at Reel/Frame 8642/0762 and is assignee of the entire right, title and interest in and to U. S. Patent No. 6,632,928/U.S. Application No. 09/380,484 as shown by the Assignment recorded in the patent assignment records of the U.S. Patent and Trademark Office on November 8, 1999 at Reel/Frame 010370/0300 and hereby declares that the claimed invention of the application was owned by or subject to an obligation of assignment to this assignee at the time the later filed

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invention was made. Said assignee hereby disclaims the terminal part of any patent granted on the above-identified application, which would extend beyond the expiration date of U.S. Patent No. 6,632,928 and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. 6,632,928; this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.

In making the above disclaimer, the assignee does not disclaim any terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. § 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

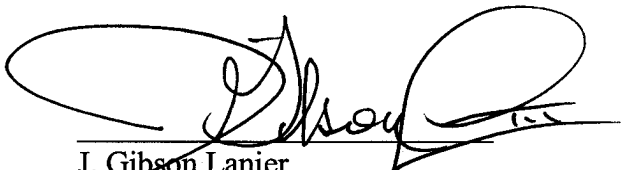
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**SERIAL NO. 09/389,565**

The statutory fee under 37 C.F.R. § 1.20(d) of \$130.00 for a disclaimer is enclosed. This amount is believed to be correct; however, the Commissioner is authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 14-0629.

The undersigned is authorized to sign on behalf of the Government as attorney of record.

Done this 8<sup>TH</sup> day of MAY, 2008 at Atlanta, Georgia.

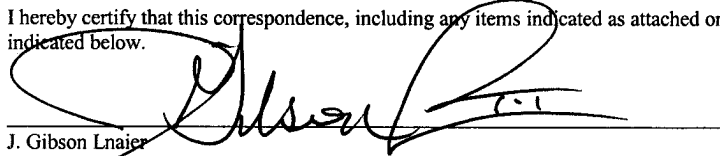
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**CERTIFICATE OF EFS-WEB TRANSMISSION UNDER 37 C.F.R. § 1.8**

I hereby certify that this correspondence, including any items indicated as attached or included, is being transmitted by EFS-WEB on the date indicated below.

  
J. Gibson Lanier

Date 5/8/08